

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

SECURITY SERVICE FEDERAL CREDIT
UNION, and ASPEN MORTGAGE,

Petitioners,

v.

FIRST AMERICAN MORTGAGE
FUNDING, FIRST AMERICAN
MORTGAGE, a Colorado corporation,
CONSTRUCTION DISBURSEMENT
SERVICES, KEVIN B. JORDAN,
WILLIAM DEPUY, an individual, SHAUN
JORDAN, an individual, MARK
CAMPBELL, an individual, JEFFREY
JORDAN, an individual, KENNETH E.
NORTH, SUNDANCE MORTGAGE,
ARTISAN GROUP, THE, and NEW
CENTURY BUILDERS,

Defendants.

**REPORT AND RECOMMENDATION
AND ORDER**

Case No. 2:11-mc-00302-DB -BCW

Judge Brooke C. Wells

On May 20, 2011, the Court entered an Order To Show Cause directing Aspen Mortgage and Kenneth North to show cause why this case should not be dismissed and the motion to quash be denied or deemed moot. As of the date of this order there has been no response to the Court's Order To Show Cause. Additionally, a review of the record indicates that the subpoena was likely served in error.¹

Accordingly, the Court RECOMMENDS that this case be dismissed and that the motion

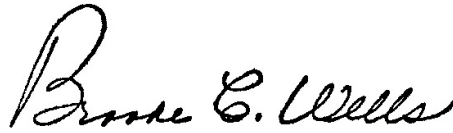
¹See Mtn. to withdraw p. 1 ("Aspen Mortgage, Inc. c/o Kenneth North was mistakenly served with a Subpoena Duces Tecum by Stewart Title of California and requested Aspen to appear for deposition.")

to quash be DENIED or deemed MOOT.

Copies of the foregoing report and recommendation are being mailed to all parties who are hereby notified of their right to object. Any objection must be filed within 14 days after being served with a copy.² Failure to object may constitute a waiver of objections upon subsequent review.

DATED this 7th day of June, 2011.

BY THE COURT:

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large initial "B".

BROOKE C. WELLS

United States Magistrate Judge

²See Fed. R. Civ. P. 72(b)(2).